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Secret. II-27—100,000—25-8-48.

Home (1949) Department.

Ms SERIES. P 318

G.O. No. 2630

Dated 27 6 49

[Despatch Abstract.]

ACT - Arms Act and Rules - Weapons of prohibited bores - Import restrictions Instructions to heads of Foreign Missions in India - Communicated.

GOVERNMENT OF MADRAS
ABSTRACT.

ACT - Arms Act and Rules - Weapons of prohibited bores Import Restrictions - Instructions to heads of Foreign Missions in India - Communicated.

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Home Department

G.O.Ms.No. 2630 Dated 27th June 1949.

Read the following:--

1. G.O.Ms.No. 621, Home, dated 14th February 1949.
2. Letter from the Government of India, Ministry of External Affairs and Commonwealth Relations F.3 (15) I.G/II/49, dated 15th June 1949.

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No.F.3.(15)I-GII/49, dated 15-6-1949.

The Minister for External Affairs presents his compliments to their Excellencies and Messieurs the Heads of Missions and has the honour to state briefly the following provisions of the Indian Arms Act and Rules in regard to the import of arms and ammunition in substitution to this Ministry's note No.F.3(7)-GII/48- dated the 20th December 1948:--

Arms, ammunition and military stores cannot be imported into India except under a license but arms (other than cannon) and ammunition which do not come within the categories indicated in the succeeding paragraph may be imported without a license in reasonable quantities for his own private use by any person lawfully entitled to possess such arms and ammunition in India. The words "lawfully entitled to possess" apply to persons holding license to possess arms, etc., in India as well as to persons exempted from the necessity of obtaining such license. Rules forbid the grant of license for the import of any arms or ammunition into the Provinces of India through the medium of Post Office.

2. No license can be granted for the import of the following categories of arms:--

(1) rifles of .303 or of .450 bore, or of 8 mm. calibre or .315 bore or of muskets of .410 bore, or of parts of or fitting for rifles or muskets of such bores, or ammunition that can be fired from such rifles or muskets;

(2) rifles or muskets of any other bore containing any of the following components capable of use in rifles of .303 or of .450 bore or 8 mm. calibre bore, namely, actions, breech blocks, breech bolts, bodies magazine cases cocking pieces, and breech boltheads;

(3) pistols or revolvers of .441, .455 or any intermediate bore or revolvers of .38 bore or .9mm. calibre or of parts of or fittings for pistols or revolvers of such bores or ammunition that can be fired from such pistols or revolvers; and

(4) appliances, the object of which is the silencing of fire-arms.

Their importation is strictly prohibited, and, if they are taken to India, they will be detained by the customs authorities. No exemption is allowed in favour of sporting rifles or muskets of the prohibited bores, or of such rifles or muskets when fitted with sporting sights. Similarly, no exemption is allowed in favour of sporting rifles or muskets of non-prohibited bores if such rifles or muskets contain any of the components named in sub-section (2) above.

3. A license to import into a Province in India is not necessary in the case of an air gun or air pistol that satisfies the following test:--

p.t.o.

Projectiles discharged from such guns or pistols do not perforate a target 12 inches square formed by the five straw boards of foolscape size, each board being 3-64th of an inch thick and closely held together in a frame;

Provided that in making and estimating the test the following conditions shall be observed namely

(1) The gun or pistol shall be held horizontally with the muzzle at a distance of five feet from the target.

(2) The test shall be repeated twenty times for each class or projectile which can be discharged from the gun or pistol, and

(3) Perforation shall be deemed to be affected in a case where a projectile is a dart, if the point of the dart pierces the back of the target and in any other case if the projectile passes completely through the back of the target

A certificate from the makers should accompany the weapon when it is despatched to India and such certificate should certify that the weapon satisfies the tests as stated above.

4. Cannon, articles designed for torpedo service, war-rockets or machinery for the manufacture of arms or ammunition and continuous for fire arms can be imported and under a license signed by the Secretary to the Government of India in the Ministry of Home Affairs. For the importation of rifles or muskets or parts of or fittings for rifles or muskets (other than those specified in paragraph 2), a license shall not be granted save with the previous sanction of the Central Government, except in the case of rifles or muskets or parts of or fittings for rifles or muskets (other than those specified in paragraph 2) which, in the opinion of the authority granting the license, are intended in good faith for sporting purposes. For such rifles, muskets, etc., licenses can be obtained in the manner explained in paragraph

NOTE: This paragraph does not affect the provisions of paragraph 1 under which persons lawfully entitled to possess arms and ammunition are entitled to imports such arms, etc. in reasonable quantities for their own private use without license. Persons desirous of importing rifles or muskets for the importation of which a license from or the special sanction of the Government of India is required, should apply to the Government of India, through the local Government concerned for the requisite license or order authorising the issue of a license.

5. Save as otherwise stated in the preceding paragraphs, licenses to import arms may be obtained at the ports of Calcutta, Madras, Bombay, Calicut and Cochin. They are granted by the Commissioneer of Police at Calcutta, Madras, Bombay and by the District Magistrate at Calicut, and Cochin. The fee payable in respect of all licenses mentioned above is Rs.10/- except in the case of licenses granted by the Government of India under paragraph 4 for which no charge is made.

6. Arrangements for travellers arriving in India by sea- Private individuals frequently wish to import fire arms to India as part of their personal baggage. If a license covering possession in India has been obtained beforehand or if a person

is one of an exempted class, no difficulty arises, as on production before the Customs authorities of the license or proof, if required, of exemption the arms can be at once cleared, since in these cases no special license to cover import is necessary. In the majority of cases, however, concerning non-exempted persons, the arms and no covered by a possession license and in cases of this kind, where a person's final destination in India is not the port of arrival, a license covering temporary possession during the period of the journey from the port of disembarkation to the place of destination can be obtained on payment of a fee of Re.1 per weapon from the Commissioner of Police or District Magistrate at the port of arrival. This will enable an individual to take his weapons with him on his journey up-Country, but on arrival at his destination he must take out a regular license in the ordinary way. The objection that there may be no time on arrival in which to obtain a temporary license, of the kind described, from the Commissioner of Police or other authority can easily be met by the individual instructing his agent in advance to obtained this license on his behalf to cover the weapons he is bringing with him and a description of which should be furnished to the agent. The great advantage of this procedure is that the importer will be able to proceed at once on his journey with his weapon in his possession instead of leaving them in deposit with the Customs authorities until a proper license covering possession can be obtained in respect of them.

ORDER:

Communicated to District Magistrates and the Commissioner of Police in supersession of G.O.Ms.No. 621, Home, dated 14th February 1949.

(By Order of His Excellency the Governor)

Sd. S.A.Iyengar,
Secy. to Government.

To All District Magistrates.
The Commissioner of Police,
Copy to the Inspector General of Police,
Copy to the Board of Revenue.

True copy/Forwarded/By Order

Sd. x x
Superintendent.

/True copy/

Superintendent,
Madras Record Office.

PSR. 3-7-53.